

1 KEVIN V. RYAN (CSBN 118321)  
2 United States Attorney

3 MARK L. KROTOSKI (CSBN 138549)  
4 Chief, Criminal Division

5 TRACIE L. BROWN (CSBN 184339)  
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055  
8 San Francisco, CA 94102  
9 Telephone: (415) 436-6917  
10 Facsimile: (415) 436-7234

11 Attorneys for Plaintiff

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO DIVISION

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UNITED STATES OF AMERICA,	)	No. 3-06-70438 EMC
Plaintiff,	)	[PROPOSED] ORDER AND STIPULATION
v.	)	WAIVING TIME UNDER RULE 5.1 AND
JOAN STRIPLING,	)	EXCLUDING TIME FROM AUGUST 15,
Defendant.	)	2006 TO SEPTEMBER 19, 2006 FROM THE
		SPEEDY TRIAL ACT CALCULATION
		(18 U.S.C. § 3161(h)(8)(A))

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The parties appeared before the Honorable Joseph C. Spero on August 15, 2006. With the agreement of the parties, and with the consent of the defendant, the Court enters this order (1) scheduling a new status hearing date of September 19, 2006 at 9:30 a.m., before the Honorable James Larson; (2) documenting the defendant's waiver of time limits under Federal Rule of Criminal Procedure 5.1; and (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), from August 15, 2006 to September 19, 2006. The parties agreed, and the Court found and held, as follows:

1. The defendant waived the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 until 20 days after September 19, 2006, *i.e.*, October 9, 2006. Failure to grant the requested continuance would unreasonably deny both defense and government counsel

1 reasonable time necessary for effective preparation, taking into account the defendant's counsel's  
2 upcoming time out of the District, and would deny the defendant continuity of counsel.

3 2. Counsel for the defense believes that postponing the preliminary hearing is in his  
4 client's best interest, and that it is not in his client's interest for the United States to indict the  
5 case before October 9, 2006. The parties expect to discuss the possibility of a pre-indictment  
6 disposition of the case.

7 3. The defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to  
8 grant the requested continuance would unreasonably deny both government and defense counsel  
9 reasonable time necessary for effective preparation, taking into account the exercise of due  
10 diligence, and would deny the defendant and the government continuity of counsel.

11 4. Given these circumstances, the Court found that the ends of justice served by  
12 excluding the period from August 15, 2006 to September 19, 2006, outweigh the best interest of  
13 the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

14 5. Accordingly, and with the consent of the defendant, the Court ordered that the period  
15 from August 15, 2006 to September 19, 2006, be excluded from Speedy Trial Act calculations  
16 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17 4. The Court scheduled a new status date of September 19, 2006, at 9:30 a.m., before the  
18 Honorable James Larson. The preliminary hearing/arraignment date will be scheduled at that  
19 time.

20 IT IS SO STIPULATED.

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22 DATED: 8/16/06

/S/  
TRACIE L. BROWN  
Assistant United States Attorney

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25 DATED: \_\_\_\_\_

/S/  
STEVEN KALAR  
Attorney for JOAN STRIPLING

1 IT IS SO ORDERED.  
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3 DATED: \_\_\_\_\_  
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